

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
June 14, 2006

MEMBERS

Christopher A. Abel
Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
John W. Staton

CALL TO ORDER

Chair Alfred E. Ptasznik, Jr. called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and all members were present with the exception of Mr. Barba and Mr. Abel, who arrived at 7:10 p.m. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl W. Anderson.

APPROVAL OF MINUTES

The Commission approved unanimously (6:0) motions made by Mr. Hamilton to adopt minutes of the regular meetings of April 12, 2006 and May 10, 2006.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. PD-17-06, Fourth Centrum of Virginia, Inc: Request to amend the York County Zoning Map, pursuant to Section 24.1-362 of the York County Zoning Ordinance, by reclassifying from EO (Economic Opportunity) to PD (Planned Development), subject to voluntarily proffered conditions, approximately 70 acres of a 133-acre parcel located at 4300 Mooretown Road approximately 2030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713). The property is further identified as a portion of Assessor's Parcel No. 5-52. The proposed development would consist of a 63-acre senior housing development with up to 459 age-restricted housing units and a 7-acre commercial center. Housing units would be a mix of single-family detached homes, duplexes, condominium apartments, and rental apartments. Proffered conditions address architectural design, exclusion of certain commercial uses, and dedication of a fire station site. The Comprehensive Plan

designates this area Economic Opportunity along Mooretown Road and Conservation to the rear.

Timothy C. Cross, AICP, Principal Planner, presented the staff report from the memorandum dated Jun 6, 2003, in which the staff recommended approval by adopting revised Resolution PC06-13(R). He further noted the staff preference for either Alternative A or B to provide more visibility into interior areas and more curb appeal from Mooretown Road.

Mr. Hamilton asked about the necessity for a traffic signal on Mooretown Road at the proposed development, and **Mr. Cross** indicated that no signal is planned. He said two entrances from Mooretown Road are proposed by the applicant, one for the commercial area and the other leading to the residential areas. The Zoning Ordinance does not support that traffic configuration, so the applicant would have to demonstrate the need for an additional entrance while preserving the carrying capacity of Mooretown Road.

Mr. Staton questioned that a development producing 4,000 trips per day would not warrant a traffic light at the entrance and he asked how such determinations are made. **Mr. Cross** explained that such decisions are based on a signal warrant study, where the number of vehicles on both streets is plotted on a graph to determine whether a signal would be required at the intersection.

Mr. Davis inquired about the maximum width of the property, and **Mr. Cross** said it is 1,420 feet wide at Mooretown Road, but is narrower to the rear, in the portion that the City of Williamsburg plans to retain.

Mr. Abel asked if there are any four-story buildings in the County because he thought there was a three-story limit throughout the County. **Mr. Cross** responded that the height limit for EO-zoned property is 75 feet. He added that the Days Inn Motels on Lightfoot Road and Route 199 are four stories tall, as is the new Sentara Hospital under construction. Mr. Cross added that limitations on impervious surface in proximity to the Waller Mill Reservoir helped drive the plans for building vertically, resulting in a smaller footprint.

Mr. Cross referred some questions about rental of the apartments to the developer or his agent.

Chair Ptasznik opened the public hearing.

Vernon Geddy, Esq., 1177 Jamestown Road, Williamsburg, represented the applicant. (Applicant's slide presentation is attached to the Minutes of Record.) Mr. Geddy said the applicant, Fourth Centrum of Virginia, LLC, has developed over 200 projects with over 12,000 residential units and 100+ senior housing units. They create high-quality developments for senior independent living with a mix of housing types, extensive recreational amenities and a small commercial center. The proposal is for a mix of age-restricted single-family detached homes, duplexes, condominiums and apartments. The proposal would have low impact on the area, he said; intense commercial development is unlikely. It is located between two existing timeshare resorts and senior housing is an excellent use of the land the property, being a low-traffic generator compared to commercial or non-age-restricted uses. Mr. Geddy said it would

meet the need for senior housing in the market while producing a positive fiscal impact to the County.

Mr. Geddy said the voluntarily proffered fire station site is just over one acre but it is designed to accommodate a three-bay station.

Mr. Geddy said the applicant agrees with most of the staff report but, unlike staff, recommends that Alternative C be permitted because it allows clustering of same-type units and would have a lower traffic impact on the single-family detached units. He asked for a recommendation of approval of Alternatives A, B, and C.

In response to **Ms. Conner**, **Mr. Geddy** said the development is expected to provide a positive fiscal impact of \$450,000 annually.

Mr. Hamilton inquired what level of on-site security the development would provide.

Mr. Chuck Bradbury, Fourth Centrum of Virginia, Inc., stated the apartment building would have 24-hour on-site management; a homeowners' association would maintain the remainder of the development and would determine the level of security or patrol it would provide.

Mr. Ptasznik asked about the ownership of the units. **Mr. Bradbury** said First Centrum would own all of the rentals for an indefinite period and all other units would be sold to individuals.

Mr. Abel wanted to know what type of commercial uses the developer anticipated. **Mr. Bradbury** responded the architect and land planners are recommending a small strip shopping center with stores and services catering to people living in the community.

Mr. Abel asked if occupants might be expected to move to different types of dwellings within the development as they age. **Mr. Bradbury** said that is typically the progression in these types of developments, although younger residents who tend to stay in those units for longer periods often occupy patio homes.

Mr. Abel asked, in regard to Alternative C, if the applicant had analyzed traffic as to whether the condos and rental properties near the front entrance, at Mooretown Road, would generate more traffic than the units behind them. **Mr. Bradbury** said the condominiums; if placed one at the rear and one at the back, would generate more traffic than if they were together as proposed in Alternative C. They are proposed to be together for that reason. There was more conversation about the anticipated traffic generated by single-family dwellings as compared to condominiums. The total number and types of units proposed, **Mr. Bradbury** explained, was 216 condominiums, 152 rental apartments, and 9 single-family and duplex units.

Chair Ptasznik closed the public hearing.

Mr. Ptasznik asked **Mr. Cross** to elaborate on reasons the staff does not recommend Alternative C. **Mr. Cross** said Alternative C was not recommended because the placement of all the three- and four-story buildings toward the front of the property would not, in staff's

opinion, provide for an aesthetically appealing view from Mooretown Road. He reiterated the Commission's entitlement to recommend whatever proposal it desires, including Alternative C.

Mr. Cross, elaborating on the earlier discussion about a stoplight at the Mooretown Road entrance to the proposed development, said that while no signal is planned, additional information would need to be submitted with the formal site plans to justify the second entrance and that it would have to address both entrances and the possible need for signalization. The County would consider different options and could determine that a signal is needed, depending on what the traffic impact analysis indicates and what VDOT requires.

Mr. Ptasznik said he preferred Alternative C. He referred to discussions during the senior housing study committee whose recommendations ultimately led to the senior housing amendment to the Zoning Ordinance, and whose deliberations had indicated that senior citizens prefer to shop near home. He also cautioned against the County approving an excess of senior housing.

Ms. Conner also supported Alternative C but acknowledged the staff consideration is important from an aesthetic standpoint. She believed the setback from Mooretown Road was substantial, that it made good use of the property, and was compatible with the Comprehensive Plan's vision to create appropriate senior housing.

Mr. Hamilton agreed but believed there may be some traffic issues and consideration should be given to installing a traffic signal.

Mr. Davis thought the proposed use was good for that location.

Mr. Hamilton moved adoption of Resolution PC06-12(R-2), revised to include Alternative C as a permitted layout.

On motion of Mr. Hamilton, which carried 6:0 (Mr. Barba absent), the following resolution was adopted:

Resolution No. PC06-12(R-2)

A RESOLUTION TO RECOMMEND APPROVAL OF A 70.7-ACRE PLANNED DEVELOPMENT AT 4300 MOORETOWN ROAD CONSISTING OF A 63-ACRE SENIOR HOUSING-INDEPENDENT LIVING DEVELOPMENT AND A 7.7-ACRE COMMERCIAL CENTER

WHEREAS, Fourth Centrum of Virginia, Inc. has submitted Application No. PD-17-06, which seeks to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel for the purpose of establishing a 63-acre independent living senior housing development with a 7.7-acre commercial center on property located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel No. 5-52 (GPIN# D16c-1780-1578); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of June, 2006, that Application No. PD-17-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel No. 5-52 (GPIN#D16c-1780-1578) subject to the following conditions:

1 Age Restriction

The residential component of this Planned Development shall be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing-Independent Living Facility set forth in Section 24.1-104 of the York County Zoning Ordinance.

2 General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plans titled "Master Plan for The Reserve at Williamsburg, Alternatives A or B" prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the "Non-Binding Illustrative Plan" or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance. Limited deviations from the "Non-Binding Illustrative Plan" as depicted on plans titled "Master Plan, Alternative A" and "Master Plan, Alternative B," both prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006 shall be permitted.
- b) Architectural design of all residential structures, including the clubhouse, shall be in substantial conformance with the building elevations submitted by the applicant and titled "Architectural Renderings: The Reserve at Williamsburg," dated May 12, 2006, copies of which shall be kept on file in the York County Planning Division.

- c) The layout and design of the residential development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.
- d) The commercial center shall be developed in accordance with the standards for nonresidential uses within the PD district set forth in Section 24.1-361(h) of the Zoning Ordinance.
- e) The maximum number of residential units shall be 459.
- f) The maximum building height shall be sixty feet (60') for rental apartment buildings and 72 feet for condominium apartment buildings.
- g) The minimum building separation for single-family detached and duplex units shall be fifteen feet (15'), provided, however, that where two adjacent structures are separated by less than twenty feet (20'), the following conditions shall be met:
 - 1. Structures shall be constructed with an approved NFPA 13R Sprinkler System, or
 - 2. All adjacent facing walls shall be constructed with an approved fire-resistive exterior finish (or other approved alternatives) and said fire-resistive construction shall include associated projections (cornices, eaves, overhangs, fireplaces, etc). Furthermore, in order to accommodate design features, the required fire-resistive section of the structure is allowed to have unprotected openings provided they do not exceed 10% of the entire adjacent facing wall.
- h) In areas designated for single-family detached homes and/or duplexes, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20').
- i) Freestanding signage for the residential portion of the project shall be limited to a single monument-type community identification sign along Mooretown Road measuring no greater than 32 square feet in area and six feet (6') in height. Signage for the commercial parcel shall be in accordance with the provisions for LB-Limited Business districts, as established in Section 24.1-703 of the Zoning Ordinance.
- j) For any rental apartment building, a minimum of one (1) off-street parking space per residential unit shall be required and no additional spaces shall be required for visitor parking provided that, pursuant to Section 24.1-604(b) of the Zoning Ordinance, an area equal to one-half of the difference between the number of parking spaces provided and the number that would otherwise be required in accordance with the requirements set forth in the Zoning Ordinance shall be reserved for a period of five (5) years following the issuance of a Certificate of Occupancy for such building and shall be maintained as landscaped open space during that time.

3 Streets and Circulation

- a) In order to provide for safe, convenient, and continuous pedestrian circulation throughout the development, a four-foot (4') wide sidewalk shall be constructed on at least one side of all private residential streets within the development and shall include pedestrian connections to off-road walkways and walking trails and to the commercial center.
- b) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- c) The developer shall install a 200-foot left-turn lane with a 200-foot taper and appropriate transitions on southbound Mooretown Road at the main road, as well as northbound right turn tapers on Mooretown Road at both the main road and the right-turn in/right-turn out driveway (150' tapers), if such additional driveway is determined to be acceptable in accordance with Zoning Ordinance requirements. The right-turn in/right-turn out driveway shall be constructed with an appropriate channelizing island.
- d) The main entrance shall include one dedicated left-turn lane and one dedicated right-turn lane for egress.
- e) The spacing from the edge of Mooretown Road to the first internal access point shall be 200 feet or greater, unless otherwise approved by the Virginia Department of Transportation.
- f) Pursuant to Section 24.1-255(b) of the Zoning Ordinance, the developer shall provide a transit bus shelter and pullout, the design and location of which shall be subject to the approval of the Williamsburg Area Transport.
- g) Pursuant to Section 24.1-252(b)(2) of the Zoning Ordinance, the right-turn in/right-turn out entrance to the commercial center depicted on the referenced plan shall be permitted only if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with Section 24.1-251(b) of the Zoning Ordinance.

4 Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Williamsburg all easements deemed necessary by the County for maintenance of such water lines.

- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The property owners' association(s) shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

5 Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan for The Reserve at Williamsburg," prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006.
- b) A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided. Said area(s) shall include, at a minimum, the following facilities and amenities:
 - Swimming pool (indoor or outdoor)
 - Covered pavilion
 - Barbecue/picnic area
 - Walking trails
 - Fountains (2)
 - Benches (10)
 - Trellises (3)
 - Yard game areas
 - Gazebos (2)
- c) Indoor recreational amenities shall consist of, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, bistro-style (non-commercial) kitchen, fireplace, and other amenities as set forth in written materials supplied by the applicant and dated May 12, 2006.
- d) All common and public improvements within the development shall be subject to the standards governing timing, performance agreements, and surety requirements set forth in Sections 24.1-362(b)(3) and (4) of the Zoning Ordinance.
- e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.

6 Fire and Life Safety

- a) In conjunction with the site plan submittals for this project, the developer shall submit a detailed description of the proposed features of the project and building design related to protection and safety of the residents, as well as operational procedures to ensure and facilitate the safety of the residents in the event of fire or other emergencies.
- b) All rental and condominium apartment units shall be equipped with an approved (NFPA 13) fire suppression system throughout (including attic areas), underground vault(s), PIV(s), and FDC(s).

7 Historic Resources

As set forth in the written correspondence to the Planning Division from the Virginia Department of Historic Resources (VDHR) dated May 25, 2006 and in accordance with VDHR requirements, archeological excavation shall be performed in the area between the two sites identified as IF-R4 and IF-R5 on the map titled "Cultural Resources Survey Base Map" prepared by AES Consulting Engineers and dated February 21, 2006. Prior to the commencement of any land disturbing or development activity in the vicinity, the findings shall be submitted to the Zoning Administrator, who shall determine if additional studies and/or preservation of resources is required prior to construction.

8 Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as a Portion of Tax Parcel 05-00-00-052, GPIN D16c-1780-1578," signed by Jackson C. Tuttle, Williamsburg City Manager, and dated May 25, 2006, except as modified herein.

9 Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

Application No. UP-701-06, Richmond 20MHz, LLC, d.b.a. NTELOS: Request for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 172' in height on the Magruder Elementary School campus located at 700 Penniman Road (Route 641) at the intersection of Penniman Road and Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-14-A. The property is zoned RC (Resource Conservation) and is designated General Business in the Comprehensive Plan.

Timothy C. Cross, AICP, presented a summary of the staff report dated June 7, 2006 in which the staff recommended approval through the adoption of proposed Resolution No. PC06-14.

Mr. Ptasznik inquired as to the height of the existing communications tower at Waller Mill Elementary School and how far from the building it sets - or how strong a wind would blow it down. **Mr. Cross** stated the tower is 150 feet tall and would be expanded to 180 feet tall, as approved by the Board, and is designed to collapse upon itself rather than tip over. The distance from the proposed tower to the school building is less than the height; but, he added, experience has shown telecommunications towers to be able to withstand hurricanes better than most other types of structures.

Mr. Staton asked if propane would be stored inside the structure and for what it is intended. **Mr. Cross** stated there is a plan to store a propane canister that would not be inside a building and that its purpose would be to power a generator.

Mr. Ptasznik opened the public hearing.

Vernon Geddy, Esq., 1177 Jamestown Road, Williamsburg, represented the applicant. Mr. Geddy agreed with the staff report and the conditions. He did not believe the tower would be obtrusive.

Mr. Abel inquired about additional users or prospects to use the tower, other than the applicant.

Mr. Marc Cornell, Richmond 20 MHz, LC, dba NTELOS, stated that no prospects have been notified at this point of the process, but once they are notified the work to co-locate users could be done very quickly. He noted that the wireless communications industry has changed in the way networks are designed, improving services and service areas. There is a major effort in the industry to satisfy customers' expectations to be able to use wireless everywhere, including residential areas.

There were no others to speak, and **Chair Ptasznik** closed the public hearing.

Mr. Abel acknowledged that alternatives were considered but was skeptical that within the next two years somebody "within a mile of the site" is going to want to build another tower because this one is not tall enough. Co-location is a good concept, he believed, and requested that staff continue to force wireless providers to look at all alternatives that encourage co-location. Compromise may be possible in cases where a prospective user does not think existing towers are adequate.

On motion of **Mr. Davis**, which carried 6:0 (Mr. Barba absent), the following Resolution No. PC06-14 was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A 172-FOOT SELF-SUPPORTING MONOPOLE
COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED
EQUIPMENT AT 700 PENNIMAN ROAD

WHEREAS, Richmond 20MHz has submitted Application No. UP-701-06, which requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 172' in height on the Magruder Elementary School campus located at 700 Penniman Road (Route 641) in the northeast quadrant of the intersection of Penniman Road and Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-14-A (GPIN# F14d-4249-0904); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

WHEREAS, the Commission has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed communication tower location is substantially in accord with Charting the Course to 2025: The County of York Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of June, 2006 that Application No. UP-701-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 172' in height on the Magruder Elementary School campus located at 700 Penniman Road (Route 641) in the northeast quadrant of the intersection of Penniman Road and Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-14-A (GPIN# F14d-4249-0904), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on the parcel of land located at 700 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 10-14-A.
2. The height of the tower, including the lightning rod, shall not exceed 172 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Telecommunications Facility: Magruder School (RMB-5421)", dated 3/23/06 and prepared by JMT Engineering. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.
4. The tower shall be designed and constructed with antennas located inside the monopole only as depicted on Sheet C3 of the above-referenced sketch plan. No external antenna arrays shall be permitted.
5. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.

6. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
7. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
8. The access easement shown on the above referenced sketch plan shall be established for the benefit of tower users for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility prior to site plan approval.
9. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
10. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
11. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
12. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
13. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
14. The proposed 8-foot chain link fence surrounding the facility shall be outfitted with opaque material deemed acceptable for screening purposes by the Zoning Administrator.

15. The compound shall be covered with netting designed to prevent recreational equipment (baseballs, softballs, etc.) from entering the compound.
16. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
18. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
19. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Application No. UP-702-06, John M. Engbersen: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 620-square-foot detached accessory apartment on a 1.22-acre parcel of land located at 213 Parchment Boulevard (Route 1142) approximately 870 feet north of its intersection with Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 15-11-29B. The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.

Earl Anderson, AICP, presented the staff report dated June 5, 2006, in which the staff recommended approval.

Chair Ptasznik opened the public hearing.

Mr. John Engbersen, 213 Parchment Boulevard, spoke in support of his request and offered to answer any questions. He added that he would not rent the space out. His or his wife's parents would probably occupy it at some future date and that is why they propose to have an elevator, to help their parents have easy access. Otherwise, the apartment would be available for guests, only.

Chair Ptasznik closed the public hearing.

On motion of **Mr. Hamilton**, which carried 6:0 (Mr. Barba absent), the following Resolution No. PC06-15 was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 213
PARCHMENT BOULEVARD

WHEREAS, John M. Engbersen has submitted Application No. UP-702-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of June, 2006, that Application No. UP-702-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137) subject to the following conditions:

1. This use permit shall authorize a the establishment of a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.22-acre parcel of land located at 213 Parchment Boulevard (Route 1142) and further identified as Assessor's Parcel No. 15-11-29B (GPIN #H12a-0380-4137).
2. The apartment shall be contained within a proposed structure to be located on the southeastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "Resubdivision Lot 29 Callahan Village Duplexes" prepared by Davis & Associates, P.C. dated January 29, 1997. The accessory apartment floor plan shall be in conformance with the floor plans and elevations submitted by the applicant titled "Engbersen Residence, 213 Parchment Road, Garage Addition, Sheets 1 through 4", except as modified herein.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
5. The habitable floor area of the accessory apartment unit shall not exceed 620 square feet.

6. The accessory apartment unit shall contain no more than one (1) bedroom and no tub or shower facilities shall be installed in the proposed ground floor bathroom depicted on the plans.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. Before obtaining a building permit for the proposed detached accessory apartment, the applicant must submit a site specific Natural Resources Inventory, performed in accordance with Section 23.2-6 of the County Code, field locating the 100-foot Resource Protection Area (RPA) buffer. No encroachment into the RPA buffer, for the apartment or a driveway serving it, is permitted.
10. Before the issuance of a certificate of occupancy for the accessory apartment unit, the existing principal structure's garage shall be converted to living space or the size of the proposed accessory apartment shall be reduced to comply with the 35% of principal building floor area requirement.
11. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Application No. ZT-102-06, York County Board of Supervisors: Consider amendments to the following sections of the York County Zoning Ordinance (Chapter 24.1, York County Code):

- 24.1-106. Definitions: to establish a distinction between single-story and multi-story mini-storage warehouses.
- 24.1-306. Table of Land Uses: to eliminate opportunities for single-story mini-warehouses in the GB District, to allow multi-story mini-warehouses in the GB district by Special Use Permit, and to allow both types as a matter of right in the IL and IG Districts.
- 24.1-483 and 484. Standards for warehousing and mini-storage warehouses: to establish special performance standards for multi-story mini-warehouses in GB Districts to

include architectural materials and treatments and to require at least 80% of the ground floor level to be used for office or retail space not related to the mini-warehouse operation.

- 24.1-606(n). Off-street parking requirements: to reduce the off-street parking requirement for mini-warehouses.
- 24.1-261. Public service facility standards: to require that dumpsters be screened on all four (4) sides.
- 24.1-608 (new section). Parking for certain purposes permitted and prohibited: to establish provisions prohibiting private vehicles parked on a public right of way from being advertised with signage for sale or rent, and to define the conditions under which private vehicles may be parked/displayed on private property and advertised with signage for sale or rent. The provisions do not apply to authorized motor vehicle dealers' business properties.

Mr. Mark Carter presented a summary of the staff report dated June 6, 2006, which recommended approval by the adoption of proposed Resolution PC06-13.

On motion of Mr. Hamilton, which carried 6:0, the following Resolution No. PC06-13 was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT102-06 TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, SECTIONS 24.1-483 AND 484, AND SECTION 24.1-606(n) OF CHAPTER 24.1, ZONING (YORK COUNTY CODE): TO REVISE THE DEFINITION OF THE TERM "MINI-WAREHOUSE"; TO REVISE THE DISTRICTS IN WHICH SUCH USES MAY BE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE THERETO AND, TO REVISE THE PARKING STANDARDS FOR SUCH USES; TO AMEND SECTION 24.1-261(a) TO REVISE THE SCREENING STANDARDS FOR DUMPSTERS TO REQUIRE SCREENING ON ALL FOUR SIDES; AND, FURTHERMORE, TO ESTABLISH A NEW SECTION 24.1-608 TO DEFINE CONDITIONS AND REQUIREMENTS APPLICABLE TO DISPLAY AND SALE OF PRIVATE VEHICLES FROM OCCUPIED AND UNOCCUPIED PROPERTIES

WHEREAS, Application No. ZT102-06 has been sponsored by the Board of Supervisors to allow consideration of amendments concerning mini-storage warehouse facilities, design standards for dumpster enclosures, and provisions relating to the parking and display "for sale" of privately owned vehicles; and

WHEREAS, the application has been forwarded to the Planning Commission for review, public hearing and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and has carefully considered the comments and recommendation received from citizens and the staff; and

WHEREAS, the Planning Commission finds that the proposed amendments would be consistent with good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 14th day of June, 2006, that it does hereby recommend approval of Application No. ZT102-06 to amend Sections 24.1-104, 261, 306, 483, 484 and 606(n) of the Zoning Ordinance, and to establish a new Section 24.1-608, all to read as set forth below:

Regarding Mini-Warehouses:

Section 24.1-104. Definitions

Mini-storage warehouse. A type of warehousing structure consisting of individual, small, self-contained storage spaces which may be owned, leased or rented to individuals. Such facilities may also be known as self-storage warehouses. For the purposes of this chapter, the two types of mini-storage warehouse / self-storage facilities are:

- Single-story: Facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- Multi-story: Facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

Section 24.1-306. Table of Land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 14 - WHOLESALING / WAREHOUSING													
USES														
1. Wholesale Auction Establishment a) without outdoor storage/activity b) with outdoor storage									P			P	P	
									S			P	P	
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P	
3. Wholesale Trade Establishment (May Include accessory retail sales) a) without outdoor storage b) with outdoor storage									P		P	P	P	
									S		S	P	P	
4. Seafood Receiving, Packing, Storage										P		S	P	
5. Petroleum Products Bulk Storage/Retail Distribution												S	P	
6. Mini-Storage Warehouses a. <u>Single-story</u> b. <u>Multi-story</u>									S			S	P	
									S			P	P	

Sec. 24.1-483. Standards for all wholesaling and warehouse uses.

- Warehouses and similar structures of thirty thousand (30,000) square feet [2700m²] or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.
- Outdoor storage shall be screened from view from adjacent residential properties.
- Outdoor storage shall not be located closer than twenty-five feet (25') [7.5m] to any property line.
- Bay doors shall be oriented away from streets and residential properties or screened from direct view by landscaping means.

- (e) Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

Sec. 24.1-484. Standards for mini-storage warehouses.

- (a) All storage for mini-storage warehouses shall be within a completely enclosed building provided, however, that the outdoor accessory storage of recreational vehicles on the same site is acceptable if such storage is screened from view from adjacent streets and residential properties. However, no outdoor RV storage or parking shall be permitted in conjunction with any mini-warehouse facility located in a GB-General Business zoning district.
- (b) Loading docks shall not be permitted as part of the storage buildings. At least two exterior service doors shall be provided for any multi-story mini-warehouse facility. Such doors shall be at ground/sidewalk level. Exterior service doors for any multi-story mini-warehouse facility in a GB District shall not be located on any building exposure facing a public street and shall be limited to a maximum of one (1) each for other facades.
- (c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.
- (d) The minimum distance between warehouse buildings shall be twenty feet (20') [6m]. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.
- (e) No activities such as sales or servicing of goods or materials shall be conducted from such storage units. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is a part of such business.
- (f) Storage of hazardous and flammable materials shall not be permitted.
- (g) The maximum length of any single single-story mini-storage building shall be two hundred (200') [60m] feet.
- (h) If proposed in the GB-General Business district, multi-story mini-storage warehouse structures shall be designed to include retail or office space occupying at least 80% of the total floor area on the ground floor of the structure and not related to the mini-warehouse operation. Such retail and or office space shall be designed to occupy the entire first floor width of any building façade facing a public street. The remaining 20% of the first level floor area may include the entrance corridors, service elevator(s), manager's office and other non-storage components associated with the self-storage units located on the upper levels of the structure.

In the GB District, all building facades of multi-story mini-storage warehouse structures shall be designed and constructed to meet the architectural design standards specified for the Route 17 Corridor Overlay District (section 24.1-378), whether or not said structure is located in the Route 17 overlay area. Consideration should be given to incorporating faux windows in the street-facing facades of the upper level storage areas to give the appearance of office space provided, however, that other appropriate design techniques may also be proposed and considered.

Section 24.1-606(n) Category 14 – Wholesaling / Warehousing

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Seafood receiving, packing, storage	One (1) space for every 500 square feet of processing or office <u>area</u> <u>office area</u>	One space; plus One space per loading bay or dock
(2) Mini-storage warehouses	One (1) and one half (1 1/2) <u>spaces</u> for each twenty (20) ten <u>(10)</u> cubicles; plus Two (2) spaces for the manager's quarters; <u>plus</u> <u>Two (2) spaces for the -or office.</u>	None
(3) Warehousing, distribution, wholesale trade establishment and all other Category 14 uses	One (1) space for each 10,000 square feet of floor area; plus One (1) space for each 350 square feet of office, sales or similar space; or, subject to appropriate	One space; plus One (1) space per loading bay or dock

	documentation and approval of the zoning administrator, one and one-third (1.3) spaces for every employee on the largest shift.	
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Regarding Dumpster Screening Requirements, amend Section 24.1-261 as follows:

Sec. 24.1-261. Public service facility standards.

- (4) *Refuse and recyclables collection.* Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multi-family, commercial and industrial developments. The following standards shall apply:
- (5) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces, or vehicular circulation drives will be minimized. Dumpsters shall not be located closer than fifty feet (50') to any residential structure.
- (6) Dumpsters or other approved collection receptacles shall be screened from both on-site and off-site views by wooden or masonry fencing, supplemented by landscaping, on at least three (3) sides with landscaping, shrubbery, or building walls supplemented where necessary by wooden or masonry fencing except where the zoning administrator determines that such screening is not necessary because other screening, such as buildings, fences or landscaping, is in place, may serve as part of the required screening. ~~A gated The enclosure providing screening on four sides shall be gated or otherwise configured required wherever necessary~~ to ensure that the dumpster is not visible from any adjoining public rights-of-way, adjoining properties or from any areas on the site which are normally accessible by residents, customers or the general public.
- (7) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with all applicable health department standards for construction and drainage, shall be provided.

Regarding private motor vehicle sales from various types of property, create a new Section 24.1-608 as follows:

24.1-608. Parking for certain purposes permitted and prohibited.

The following provisions shall apply to the parking or placement of automobiles, trucks, trailers, recreational vehicles, motorcycles, boats, tractors, heavy construction equipment or other types of motorized vehicle or equipment with the intent to offer such vehicles or equipment for sale or rent. For the purposes of this section, the presence of signs, lettering, papers, flyers or other visible advertisement or information on or within the vehicle indicating it to be for sale or rent shall be deemed evidence of such intent.

- (a) It shall be unlawful for any person to park or place any such vehicle for sale or rent upon or in any street or street right-of-way.
- (b) The owner or occupant of a parcel on which an occupied residential structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:
 - (1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.
 - (2) The vehicle is parked in a driveway or other all-weather-surfaced parking space on the property, and shall not be parked on grassed or landscaped portions of the property.
 - (3) Signs or lettering advertising the vehicle to be "for sale", if any, shall be attached to or applied to the vehicle and shall not exceed three (3) square feet in area.
 - (4) Not more than one vehicle shall be parked/displayed "for sale" at any time and not more than two (2) vehicles may be parked/displayed "for sale" on any premises within the same calendar year.

- (c) The owner or occupant of a parcel on which an occupied commercial or industrial structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:
- (1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.
 - (2) The vehicle is parked on a paved or graveled parking space on the property, and shall not be parked on grassed or landscaped portions of the property.
 - (3) Any signs or lettering advertising the vehicle to be "for sale" shall be attached to or applied to the vehicle and shall not exceed six (6) square feet in area.
 - (4) Not more than two (2) vehicles shall be parked or displayed "for sale" at any time and not more than five (5) vehicles may be parked or displayed "for sale" on any premises within the same calendar year.
 - (5) In the event the commercial or industrial use occupying the property is authorized to include the on-premises parking or storage of heavy construction equipment, large trucks, and similar vehicles/equipment, the above-noted limitation to "light-duty trucks" shall be waived.
- (d) Parking of vehicles or equipment for sale or rent on undeveloped or vacant property, or on property on which the principal structure(s) are unoccupied, shall be prohibited.
- (e) Violations of the terms of this section shall be enforceable against the owner of the property and the owner of the vehicle.
- (f) The provisions of this section shall not be deemed to prohibit the sale or rental of vehicles or equipment when conducted from a site which has been authorized, pursuant to the terms of this chapter, for the conduct of vehicle or equipment sales/rental as a principal use of the property.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Consider sponsorship of text amendment related to accessory apartments

Mr. Carter presented the summary of the staff memorandum dated May 22, 2006 in which the staff recommended approval to sponsor a text amendment.

On motion of Mr. Hamilton, which carried 6:0 (Mr. Barba absent), proposed Resolution No. PC06-16 was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-407, STANDARDS FOR ACCESSORY APARTMENTS, OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO EXPAND THE OPPORTUNITIES FOR ACCESSORY APARTMENTS TO BE LOCATED ON CERTAIN RESIDENTIAL PROPERTIES AS A MATTER OF RIGHT

WHEREAS, Section 24.1-407 of Chapter 24.1, Zoning, of the York County Code sets forth standards and conditions applicable to the establishment of accessory apartments in conjunction with single family detached residential uses; and

WHEREAS, the Planning Commission has determined that adjustments in the existing provisions should be considered in order to provide additional opportunities for such apartments to be established as a matter of right rather than by special use permit; and

WHEREAS, the Commission finds that consideration of the proposed amendments would be consistent with good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 14th day of June, 2006, that it does hereby sponsor an application to amend Sections 24.1-407 of the Zoning Ordinance to read as set forth below:

Sec. 24.1-407. Standards for accessory apartments in conjunction with single-family detached dwellings.

- (a) Not more than one (1) accessory apartment may be permitted in conjunction with a single-family detached dwelling.
- (b) Accessory apartments may be considered and authorized in accordance with the following schedule/procedures:

1. Accessory apartments not exceeding ~~800~~600 square feet or ~~35%~~25% of the floor area of the principal structure, whichever is less, and attached to the principal structure (the single-family detached dwelling unit ~~unit~~), shall be permitted as a matter of right in the RC, RR, R20 and R13 zoning districts. ~~Attached accessory apartments in excess of the 600 square feet / 25% limitation, but not exceeding 800 square feet or 35% of the floor area of the principal structure, whichever is less, may be authorized by special use permit in the RC, RR, R20 and R13 zoning districts.~~
2. Accessory apartments proposed in detached structures in the RC, RR, R20 or R13 zoning districts shall be permitted as a matter of right if the subject property meets the following minimum area requirements and the size of the accessory apartment does not exceed the 800 square feet or 35% of the principal structure floor area:

<u>District</u>	<u>Minimum Area</u>
<u>RC</u>	<u>5 acres</u>
<u>RR</u>	<u>1 acre</u>
<u>R20</u>	<u>40,000 square feet</u>
<u>R13</u>	<u>40,500 square feet</u>

Detached accessory apartments proposed on properties of lesser area shall require authorization by special use permit. and shall not exceed 800 square feet or 35% of the principal structure floor area, whichever is less.

3. ~~Notwithstanding the above limitations, on property in the RC or RR zoning districts which is at least twice as large as the applicable conventional development (i.e., not a "cluster" development) minimum lot size for that district/property, or on property in the R20 zoning district which is at least four times as large, an attached or detached accessory apartment shall be permitted as a matter of right provided that it does not exceed 800 square feet or 35% of the principal structure floor area, whichever is less.~~ Upon authorization by special use permit, the maximum size of an accessory apartment, whether attached or detached, on such properties meeting the above noted minimum area thresholds may be increased to 1,000 square feet or 49% of the floor area of the principal structure, whichever is less.
- (c) Access to an accessory apartment whether in the principal structure or in a detached accessory structure, shall be designed so that the premises continues to have the appearance from the principal street frontage of one single family detached dwelling unit and its customary accessory structures. No new entrance to accommodate an accessory apartment shall be installed on the front façade (facing the street) of an existing or proposed principal structure. The applicant shall be responsible for submitting sketches and/or plans to demonstrate compliance with this condition.
- (d) For the purposes of determining allowable floor area for an accessory apartment, all "habitable space," as defined and determined under the terms of the Building Code, shall be included in the calculation and shall be considered a part of the apartment. Space which does not meet the "habitable" criteria shall not be counted in floor area calculations for the accessory apartment.
- (e) Notwithstanding the provisions of Section 24.1-273(c) of this chapter, for the purposes of this section, the term "attached" shall be construed to require connection by enclosed, heated, habitable space. Structures which are merely attached by a wall or roof construction, or which are within ten (10) feet of the principal structure shall not be considered "attached."
- (f) The maximum number of bedrooms in an accessory apartment shall be one (1).
- (g) Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
- (h) Approval of accessory apartments shall be contingent upon prior certification by the health department that any on-site water supply and sewage treatment facilities are adequate to serve the total number of bedrooms proposed on the property (principal and accessory).
- (i) The accessory apartment shall be occupied only by family members or guests of the occupant of the single-family dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the single family dwelling. The apartment shall not be offered to the general public (i.e., non-family members / non-guests) for rental or other occupancy arrangements.
- (j) All utilities serving the accessory apartment (e.g., electric, water, sewer, gas) shall be registered to the occupant of the principal residence. Registration/billing of utility accounts to different parties (e.g. the occupant of the principal residence and the occupant of the accessory apartment) shall be prohibited, even if separate meters for the principal residence and accessory apartment are used.
- (k) Prior to issuance of a Building Permit for the accessory apartment the property owner shall prepare and record with the Clerk of the Circuit Court, at his expense, a deed restriction on the property stipulating that the accessory apartment will be used, occupied and maintained in accordance with the above-noted restrictions and such others as may be prescribed by the York County Board of Supervisors in approving the special use permit. Such restrictions shall not be voided, in whole or in part, unless specifically authorized by the County Administrator in recognition of some subsequent change in the zoning restrictions applicable to accessory apartments or upon removal of the accessory apartment through demolition or alterations to the structure.

STAFF REPORTS

Mr. Mark Carter referred to the Development Activity Report dated June 14, 2006 and offered to answer questions.

Mr. Carter announced that the Board of Supervisors reappointed Mr. Barba to a second four-year term on the Commission, to commence July 1, 2006.

Mr. Carter reminded the Commission of the election of Chair and Vice Chair at the July meeting.

COMMITTEE REPORTS

Mr. Ptasznik reported that the Mixed Use Development Committee continues meeting.

COMMISSION REPORTS AND REQUESTS

There were no reports and requests.

FUTURE BUSINESS

Mr. Carter advised of future Commission applications.

ADJOURN

The meeting adjourned at 9:11 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Alfred E. Ptasznik, Jr., Chair

DATE:
